

U.S. DISTRICT COURT
U.S. District Court, Western District of New York (Buffalo)
CRIMINAL DOCKET FOR CASE #: 1:21-mj-01017-JJM-1
Internal Use Only

Case title: USA v. Harding

Date Filed: 01/13/2021

Assigned to: Hon. Jeremiah J.
McCarthy

Defendant (1)

Peter J Harding

represented by **Jason Robert DiPasquale**

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Pending Counts

None

Disposition

Highest Offense Level
(Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level
(Terminated)

None

Complaints**Disposition**

18:1752.P

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Date Filed	#	Page	Docket Text
01/11/2021	1		COMPLAINT issued in the District of Columbia as to Peter J Harding (1). (EG) (Entered: 01/13/2021)
01/13/2021			Arrest of Peter J Harding. (EG) (Entered: 01/13/2021)
01/14/2021	2		<p>Minute Entry for proceedings held before Hon. Jeremiah J. McCarthy: Initial Appearance as to Peter J Harding held on 1/14/2021. The parties appear by video. Defendant consents to video appearance in light of COVID-19 pandemic. Participants are advised that there shall be no recording of today's proceeding other than the official record.</p> <p>Defendant received a copy of the complaint. The government summarizes the charges and potential penalties. Defendant declines to seek transfer of proceedings. Preliminary hearing is deferred pending resolution of detention. Defendant consents to identity.</p> <p>The government indicates that detention is not available and seeks release on the conditions stated on the record, including electronic monitoring. Defendant opposes that particular condition for the reasons stated. The court imposes all</p>

			<p>conditions of release sought, and reads the conditions on the record.</p> <p>A further proceeding in the District of Columbia is scheduled for January 19, 2021 at 1:00 p.m. The court reads the Due Process Protections Act admonition to the government. The government acknowledges. Written order to issue.</p> <p>APPEARANCES (by video): AUSA Charles Kruly and AUSA Brendan Cullinane for the government; defendant with attorney Jeremy D. Schwartz and Jason Robert DiPasquale. (Zoom for Govt.) (EG) (Entered: 01/14/2021)</p>
01/14/2021	<u>3</u>	4	ORDER REGARDING USE OF VIDEO OR TELECONFERENCING as to Peter J Harding. Signed by Hon. Jeremiah J. McCarthy on 1/14/2021. (EG) (Entered: 01/14/2021)
01/14/2021	<u>4</u>	5	ORDER re Due Process Protections Act admonition re the government's <u>Brady</u> obligations as to Peter J. Harding. Signed by Hon. Jeremiah J. McCarthy on 1/14/2021. (EG) (Entered: 01/14/2021)
01/14/2021	<u>5</u>	6	ORDER TO APPEAR IN THE DISTRICT WHERE CHARGES ARE PENDING AND TRANSFERRING BAIL as to Peter J. Harding. Signed by Hon. Jeremiah J. McCarthy on 1/14/2021. (EG) (Entered: 01/14/2021)
01/15/2021	<u>6</u>	7	WAIVER of Rule 5(c)(3) Hearing by Peter J Harding. (EG) (Entered: 01/15/2021)

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

21 - mj - 1017

PETER J. HARDING

_____,
Defendant.

ORDER REGARDING USE OF VIDEO OR TELECONFERENCING

In accordance with the General Order issued on March 30, 2020, this Court finds:

☒ That the Defendant (or the Juvenile) has consented to the use of video teleconferencing/teleconferencing to conduct the proceeding(s) held today, after consultation with counsel; and

The proceeding(s) held on this date may be conducted by:

☒ Video Teleconferencing

☐ Teleconferencing, because video teleconferencing is not reasonably available for the following reason:

☐ The Defendant (or the Juvenile) is detained at a facility lacking video teleconferencing capability.

☐ Other:

IT IS SO ORDERED.

Date: January 14, 2021

/s/ Jeremiah J. McCarthy

Jeremiah J. McCarthy
United States Magistrate Judge

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

ORDER

-v-

21-mj-1017

PETER J. HARDING,

Defendant.

As required by the Due Process Protections Act [Pub. L. 116-182, 134 Stat. 894] and Fed. R. Crim. P. 5(f)(1), the Court confirms the United States' obligation to produce all exculpatory evidence to the defendant(s) pursuant to Brady v. Maryland, 373 U.S. 83 (1963) and its progeny, and orders it to do so. The government must make these "disclosures in sufficient time that the defendant will have reasonable opportunity to act upon the information efficaciously." United States v. Rodriguez, 496 F.3d 221, 226 (2d Cir. 2007); Leka v. Portuondo, 257 F.3d 89, 98 (2d Cir. 2001); United States v. Coppa, 267 F.3d 132 (2d Cir. 2001). Failure to do so may result in consequences, including, but not limited to, exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, or sanctions by the Court.

SO ORDERED.

Dated: January 14, 2021

/s/ Jeremiah J. McCarthy

JEREMIAH J. MCCARTHY

United States Magistrate Judge

AO 467 (Rev. 01/09) Order Requiring a Defendant to Appear in the District Where Charges are Pending and Transferring Bail

UNITED STATES DISTRICT COURT

for the

Western District of New York

United States of America

v.

Peter J. Harding

Defendant

Case No. 1:21-mj-1017

Charging District: District of Columbia

Charging District's Case No.

**ORDER REQUIRING A DEFENDANT TO APPEAR IN THE DISTRICT
WHERE CHARGES ARE PENDING AND TRANSFERRING BAIL**

After a hearing in this court, the defendant is released from custody and ordered to appear in the district court where the charges are pending to answer those charges. If the time to appear in that court has not yet been set, the defendant must appear when notified to do so. Otherwise, the time and place to appear in that court are:

Place:

REMOTE APPEARANCE

Courtroom No.:

Date and Time:

1/19/2021 1:00 PM

The clerk is ordered to transfer any bail deposited in the registry of this court to the clerk of the court where the charges are pending.

Date:

*1/19/2021**Jeremiah J. McCarthy**Judge's signature**Printed name and title*

JEREMIAH J. MCCARTHY
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT

for the

Western District of New York

United States of America)

v.)

Case No. 1:21-mj-1017)

Peter J. Harding)

Defendant)

Charging District's Case No.)

**WAIVER OF RULE 5 & 5.1 HEARINGS
(Complaint or Indictment)**

I understand that I have been charged in another district, the *(name of other court)* United States District Court for the District of Columbia.

I have been informed of the charges and of my rights to:

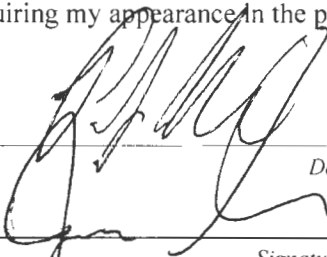
- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing to determine whether there is probable cause to believe that an offense has been committed, to be held within 14 days of my first appearance if I am in custody and 21 days otherwise, unless I have been indicted beforehand.
- (5) a hearing on any motion by the government for detention;
- (6) request a transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

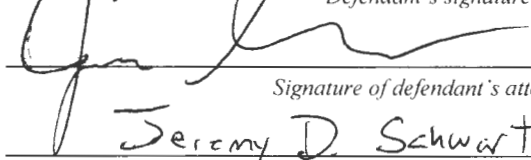
I agree to waive my right(s) to:

- ☒ an identity hearing and production of the warrant.
- ☒ a preliminary hearing.
- ☒ a detention hearing.
- ☒ an identity hearing, production of the judgment, warrant, and warrant application, and any preliminary or detention hearing to which I may be entitled in this district. I request that my
☐ preliminary hearing and/or ☐ detention hearing be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 1/15/2021


 Defendant's signature


 Signature of defendant's attorney

Jeremy D. Schwartz
 Printed name of defendant's attorney